

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**ENTERED**
September 29, 2016
David J. Bradley, Clerk**HONORABLE JASON B. LIBBY**

UNITED STATES OF AMERICA	§	
	§	
V.	§	CR. NO. C-16-1189M
	§	
Melvin Alejandro Varela-Perez	§	

PRETRIAL ORDER AND ELLIS ORDER

To achieve speedy disposition of this case and to manage this Court's docket, this order is entered on this date of the defendant's arraignment.

1. As required by Rule 12 of the Federal Rules of Criminal Procedure, the following matters must be raised by motion prior to trial:
 - (a) Defenses and objections based on defects in the institution of the prosecution; or
 - (b) Defenses and objections based on defects in the indictment or information; or
 - (c) Motions to suppress evidence; or
 - (d) Requests for discovery under Rule 16; or
 - (e) Requests for a severance of charges or defendants under Rule 14.

2. All motions must be in writing and must be accompanied by a certificate of service, by an adequate statement of legal authority, and by a statement that the relief sought cannot be obtained by agreement and must be resolved by the Court. All parties are ordered to cooperate in attempts to communicate and resolve disputes. The Court requests that you file all motions by 3:00 p.m.
 - (a) Discovery shall commence without delay. All motions for discovery must be filed within 10 days. If discovery is opposed, opposition must be filed immediately. Request and objection must be based on substance, not form. All discovery is to be completed within 20 days.
 - (b) Except for motions for discovery, all motions shall be filed within 20 days. Motions to suppress, and any other motion dependent upon facts for resolution, shall be accompanied by a statement of facts sufficiently complete to justify the necessity for consideration of the motion.

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3. Opposition to all motions must be in writing and accompanied by a certificate of service, by an adequate statement of legal authority, and by a statement of facts in response to any statement submitted by a defendant. Except for discovery motions, opposition to motions must be filed no later than two (2) days before Final Pretrial Conference.

4. FINAL PRETRIAL CONFERENCE to take pleas and pursue motions will be held **November 1, 2016, at 9:00 a.m.** BENCH TRIAL will be held **November 1, 2016, at 9:00 a.m.** Defendant and counsel for all parties are ordered to appear at each at those occasions at the U.S. District Court, U.S. Courthouse, 1133 North Shoreline, Corpus Christi, Texas. **If the defendant desires an earlier setting to enter a plea (thereby avoiding Final Pretrial Conference), contact KENDRA BLEDSOE, Case Manager for Judge Libby, at 361/888-3445 for setting.**

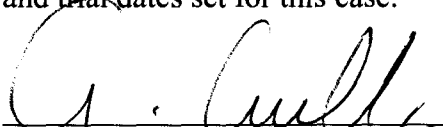
5. This Court's criminal trial docket is extremely crowded, and for purposes of docket management this Court must be informed as to possible pre-trial disposition of cases on its docket. Therefore, pursuant to Federal Rule of Criminal Procedure 11(e)(5) and the holding of the Fifth Circuit Court of Appeals in *United States v. Ellis*, 547 F.2d 863 (5th Cir. 1977), any plea bargain or plea agreement entered into by the parties in this cause must be made known in writing or by announcement in open court on before **October 28, 2016.** No plea bargain or plea agreement entered into after this date will be honored by this Court without good cause shown for the delay.

ORDERED this 29th day of September 2016.


JASON B. LIBBY
UNITED STATES MAGISTRATE JUDGE

Defendant has received a copy of the Indictment and these Pretrial and Ellis Orders. All parties acknowledge they can comply with the deadlines and trial dates set for this case.


Defendant


Attorney for Defendant

P.O. Box 7608
Attorney's Address

City/State/Zip

Telephone: (361) 854-5957


Assistant U.S. Attorney